

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD**

UNITED STATES POSTAL SERVICE

and

**Cases 13-CA-062320
13-CA-069813**

**NATIONAL ASSOCIATION OF LETTER
CARRIERS BRANCH NO. 11**

DECISION AND ORDER

Statement of the Cases

On March 19, 2013, the United States Postal Service (the Respondent) and the Acting General Counsel of the National Labor Relations Board entered into a Formal Settlement Stipulation,¹ subject to the Board's approval, providing for the entry of a consent order by the Board and a consent judgment by any appropriate United States Court of Appeals. The parties waived all further and other proceedings before the Board to which they may be entitled under the National Labor Relations Act, as amended, and the Board's Rules and Regulations, and the Respondent waived its right to contest the entry of a consent judgment or to receive further notice of the application therefor.

The Formal Settlement Stipulation is approved and made a part of the record, and the proceeding is transferred to and continued before the Board in Washington, D.C., for the entry of a Decision and Order pursuant to the provisions of the Formal Settlement Stipulation.²

¹ Although the Union was not willing to enter into the settlement agreement on the ground that a similar violation might occur in the future, it has no objection to this Formal Settlement Stipulation.

² We note that the remedy to which the parties have agreed is not fully consistent with previous broad orders that the Board has issued against the Respondent in cases alleging that the Respondent has violated Sec. 8(a)(5) of the Act by failing and refusing to provide relevant information. See, e.g., *United States Postal Service*, 28-CA-17383 et al., unpublished order issued November 4, 2002, enfd. Case 02-9587 (10th Cir. 2003); and *United States Postal Service*, 345 NLRB 426 (2005), enfd. 486 F.3d 683 (10th Cir. 2007). These broad orders, as enforced by the United States Courts of Appeals, remain in effect. However, because the Respondent and the Acting General Counsel have agreed to the terms of this Formal Settlement Stipulation, they have determined that approval of the parties' settlement will effectuate the purposes of the Act. The Board's approval of this stipulation does not modify these orders in any respect.

Based on the Formal Settlement Stipulation and the entire record, the Board makes the following

Findings of Fact

1. The Employer's business

The Respondent provides postal services for the United States and operates various facilities throughout the United States in the performance of that function, including its facility at the Clearing Station Post Office at 5645 South Archer Avenue, Chicago, Illinois, the only facility involved in this proceeding.

The Board has jurisdiction over the Respondent and this matter by virtue of Section 1209 of the Postal Reorganization Act, 39 U.S.C. Section 101 et seq. (PRA).

2. The labor organization involved

At all material times, National Association of Letter Carriers Branch No. 11 has been a labor organization within the meaning of Section 2(5) of the Act.

ORDER

Based on the above findings of fact, the Formal Settlement Stipulation, and the entire record, and pursuant to Section 10(c) of the National Labor Relations Act, as amended, the National Labor Relations Board orders that

The Respondent, United States Postal Service, Clearing Station Post Office, 5645 South Archer Avenue, Chicago, Illinois, its officers, agents, successors, and assigns shall

1. Cease and desist from

(a) Failing and refusing to provide information requested by the Union that is relevant to the Union's performance as the exclusive collective-bargaining representative of the unit.

(b) Unlawfully delaying in furnishing the Union with the information requested that is relevant to the Union's performance as the exclusive collective-bargaining representative of the unit.

(c) Unlawfully delaying in responding to the Union's requests for information that is relevant to the Union's performance as the exclusive collective-bargaining representative of the unit.

(d) In any like or related manner interfering with, restraining, or coercing employees in the exercise of their Section 7 rights.

2. Take the following affirmative action necessary to effectuate the policies of the Act.

(a) Bargain in good faith with the Union as the exclusive collective-bargaining representative of the unit employees described in the current collective-bargaining agreement.

(b) Timely negotiate in good faith with the Union for an extension of time to respond to the Union's information requests.

(c) Within 14 days of service by the Region, provide the National Association of Letter Carriers, Branch 11 with requested information that is relevant and necessary for its representational duties.

(d) Within 14 days of service by the Region, post at its Clearing Station Post Office, located at 5645 South Archer Avenue, Chicago, Illinois, including all places where notices to employees are customarily posted, copies of the attached notice. Copies of the notice, on forms provided by Region 13, after being signed by the Respondent's authorized representative, shall be posted by the Respondent and maintained for 60 consecutive days in conspicuous places, including all places where notices to employees are customarily posted. The Respondent will take reasonable steps to ensure that the notices are not altered, defaced, or covered by any other material.

(e) Mail to the Regional Director for Region 13 signed copies of said notice as directed by the Regional Director's designee.

(f) Notify the Regional Director, in writing, within 20 days from the date of this Order, what steps the Respondent has taken to comply herewith.

Dated, Washington, D.C., April 23, 2013.

Mark Gaston Pearce, Chairman

Richard F. Griffin, Jr., Member

Sharon Block, Member

(SEAL)

NATIONAL LABOR RELATIONS BOARD

APPENDIX
NOTICE TO EMPLOYEES

**Posted by Order of the
National Labor Relations Board
An Agency of the United States Government**

PURSUANT TO A STIPULATION PROVIDING FOR A BOARD ORDER AND A
CONSENT JUDGMENT OF ANY APPROPRIATE UNITED STATES COURT OF
APPEALS

FEDERAL LAW GIVES YOU THE RIGHT TO:

- Form, join, or assist a union;
- Choose a representative to bargain with us on your behalf;
- Act together with other employees for your benefit and protection;
- Choose not to engage in any of these protected activities.

WE WILL NOT refuse to provide the National Association of Letter Carriers, Branch 11 (the Union) with requested information that is relevant and necessary for its representational duties.

WE WILL NOT unreasonably delay in providing the Union with requested information that is relevant and necessary for its representational duties.

WE WILL NOT unreasonably delay in responding to the Union's request for information and **WE WILL** timely negotiate in good faith with the Union for an extension of time to respond to the Union's information requests.

WE WILL NOT in any like or related manner interfere with your rights under Section 7 of the Act.

WE WILL bargain in good faith with the Union as the exclusive collective-bargaining representative of the unit employees described in the current collective-bargaining agreement.

WE WILL provide the Union with requested information that is relevant and necessary for its representational duties.

UNITED STATES POSTAL SERVICE
(Employer)